

REMARKS

The withdrawal of the objection to the drawings based on the submission of amended Figure 1 is noted with appreciation.

Claims 46 to 55 are presented for reconsideration by the Examiner. Claim 46 has been amended in response to the rejection of the claims as being indefinite. The withdrawal of all previous rejections under 35 U.S.C. §112, second paragraph, is noted with appreciation.

Claims 46 to 55 were rejected under 35 U.S.C. §112, second paragraph, as indefinite. In making this rejection, the Examiner stated:

“In claim 46, ‘receiving a request to enter a page in which a bulletin board is sent from the customer using a client via the network to the server’ is confusing. It is not clear how a bulletin board can be sent from the customer.”

Claim 46 has been amended, in pertinent part, as follows:

“receiving by the server a customer request for displaying the bulletin board transmitted from a client to the server via the network; transmitting by the server to the client via the network bulletin board rendering data;

receiving by the server a customer request to enter a page in which a the bulletin board is sent from the customer using a the client via the network to the server;”

It is believed that as amended claim 46, and hence the claims dependent on claim 46, are no longer subject to the rejection and, therefore, withdrawal of the rejection is respectfully requested. It is noted that the Examiner states that “Claim 47 has similar confusing language”; however, an inspection of claim 47 does not reveal any such “confusing language”. Rather, claim 47 is directed to the process of inquiring the customer ID and password shown in more detail in Figure 3. See page 17, lines 6 to 10 of the specification.

It is noted with appreciation that U.S. Patent Publication 2002/0042733 to Lesandrini has been withdrawn as a reference. It is understood that the Lesandrini publication has been withdrawn based on the verified translation of the of Japanese Priority document 2000-098830, thereby giving effect to Applicant’s

claim of priority under 35 U.S.C. §119.

The Examiner states that “It is noted first that all previously Officially Noted facts, that have not been challenged are taken as admitted”, citing MPEP 2144.03. Reviewing the previous Office Action, the Examiner made the following statements:

- “Official Notice is taken that it is well-known to rank by using quantitative values according to several factors/attributes.” (page 7, lines 1 and 2)
- “Official Notice is taken that it is well-known setting a predetermined number of repetitions of any action as a criterion for a reward is well-known such as buying a number of gallons of milk to get a discount on a 7th one.” (page 7, lines 13 to 15)
- “Official Notice is taken that compensations are well-known to be calculated over predetermined accounting periods for ease of accounting.” (page 7, lines 21 and 22)
- “Official Notice is taken that it is well-known to communicate any message to anyone by for example email.” (page 8, lines 13 and 14)
- “However Official Notice is taken that is it well-known to reject evaluation from the authors of their own articles.” (page 9, lines 9 and 10)

Such “facts”, as the Examiner calls them, taken completely out of context are neither relevant nor helpful in an objective determination of the patentability of the claimed invention. Moreover, as the Examiner states, the previous rejections under 35 U.S.C. §103 based in part on the Lesandrini publication and the “facts” of which Official Notice were taken have been withdrawn.

Turning to the current Office Action, the Examiner now makes the following statements:

- “As to claims 47–48, Spiegel in view of Snap.com and Barney (hereinafter SSB) does not specifically disclose initially acquiring a customer ID and password when a request to enter a page from the customer is received, initially transmitting from the server to the customer client a form for entering a customer ID and password, determining if a customer ID and password have been acquired and, if not, prompting the customer to press an ID registration application

button,
in response to the ID registration application button being pressed,
transmitting from the server to the customer client a form for registering a
new customer,
receiving by the server new customer information transmitted from
the customer client via the network and issuing an ID to the customer.

“Official Notice is taken that it is well-known that all the above
cited steps are well-known in the art to allow participation of users in on-
line transactions and therefore obvious to add to the SSB system to effect
the steps disclosed and discussed above.” (page 6, lines 4 to 20)

The foregoing is clearly an overstepping of the doctrine of Official Notice. As
made clear in MPEP 2144.03,

“The rationale supporting an obviousness rejection may be based
on common knowledge in the art or ‘well-known’ prior art. *The
examiner may take official notice of facts outside of the record
which are capable of instant and unquestionable demonstration as
being ‘well-known’ in the art.*” (emphasis added)

The Examiner is therefore requested to demonstrate that the steps in question are
in fact capable of instant and unquestionable demonstration as being well-known
in the art and, further, that those steps would have been obvious under the
objective standard of 35 U.S.C. §103.

Continuing, the Examiner further states:

“As to claims 49, SSB does not specifically disclose a
bulletin board page sent by the server to a customer client includes
a contribution button, the method further comprising the steps of:
responding to pressing the contribution button by a customer by
transmitting by the server via the network to the customer client a
contribution form,
receiving by the server a contributed article using the contribution form.

“However Official Notice is taken that all the above cited
steps are well-known and would have been obvious to one skilled
in the art to add to the SSB system to effect receiving the articles as
taught by Snap.com and practice the method as disclosed by SSB.”

(page 7, lines 1 to 9)

Again, this is a clear overstepping of the doctrine of Official Notice, and the Examiner is therefore requested to demonstrate that the steps in question are in fact capable of instant and unquestionable demonstration as being well-known in the art and, further, that those steps would have been obvious under the objective standard of 35 U.S.C. §103.

Continuing, the Examiner states:

“As to claims 55, SSB does not specifically disclose rejecting by the server an evaluation of an article from a customer who has previously evaluated said article.. However Official Notice is taken that it is well-known to reject allow one vote per voter only on any matter to be evaluated, such as in approving a state expenditure, to ensure system fairness.” (page 8, lines 8 to 12)

The examples given by the Examiner are completely unrelated and therefore irrelevant to the claimed invention, and again this is a clear overstepping of the doctrine of Official Notice. The Examiner is therefore requested to demonstrate that the steps in question are in fact capable of instant and unquestionable demonstration as being well-known in the art and, here the “art” is that of the claimed invention. Further, the Examiner is requested to demonstrate that those steps would have been obvious under the objective standard of 35 U.S.C. §103.

If there are other “facts” of which the Examiner has taken Official Notice but which have not been specifically noted and discussed above, the Examiner is also requested to make the requisite demonstration of those “facts” as well.

In his reconsideration of the claims, the Examiner is reminded of MPEP 2141 which states the following:

“When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to:

- (A) The claimed invention must be considered as a whole;
- (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention;

and

(D) Reasonable expectation of success is the standard with which obviousness is determined.

Hodosh v. Block Drug Co., Inc., 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986).”

This is the objective standard by which the claims should be evaluated, not some hindsight reconstruction based on disparate references and out of context “facts” of which the Examiner attempts to take Official Notice.

Turning now to the specific rejection of the claims on the prior art, the Examiner has rejected claims 46 to 55 as being unpatentable over U.S. Patent No. 6,466,918 to Spiegel et al. in view of the publication entitled “‘Snap to the Possibilities’ Contest Launches at Snap.com” and further in view of U.S. Patent No. 6,556,992 to Barney et al. The patent to Spiegel et al. and the Snap.com publication are both newly cited in this most recent Office Action. Further, as noted in the above discussion on Official Notice, the Examiner has not limited this rejection to the three references cited but additionally relies on unsupported “facts” which Applicant specifically challenges. The rejection is respectfully traversed for the reasons that the combination of Spiegel et al., the Snap.com publication, Barney et al. and the unsupported “facts” neither show nor suggest the claimed invention.

The claimed invention is directed to a method of attracting customers to a bulletin board maintained on a information transmitting server to which a plurality of clients are attached via the Internet. The method increases the incentive of the user to contribute to the bulletin board and help the user intend to contribute significant information that is interesting. This is done by assigning points to a contribution that is made to the bulletin board depending on its content and discounting merchandise to be purchased next time or applying for a premium depending on the number of assigned points. With this arrangement, it is expected that the number of contributions to the bulletin board will be increased, and the number of significant contributions that are interesting will be increased.

According to the present invention, when a client connected to a server via the Internet contributes an article to a bulletin board supplied from the server, another client which has seen the article evaluates the article, and enters the

evaluation in the bulletin board. For example, the other client votes for or against the contributed article. Depending on the evaluation, the client that has contributed the article is given a certain benefit. If the other client votes for or against the article, then the client that has contributed the article is given a benefit depending on the number or proportion of votes for the article. The client that has evaluated the article is also given a certain benefit depending on the number of reactions to the article in the bulletin board, i.e., the number of times that the evaluation is entered.

Inasmuch as the client is given a benefit depending on the contribution of an article to the bulletin board and a reaction to the contribution, the number of times that the client uses the bulletin board increases. Therefore, home pages with the bulletin board have an increased customer attracting capability, resulting in an increased advertisement effect for goods or services displayed on the home pages and companies or goods or services using the bulletin board.

Inasmuch as an evaluation of a contributed article, which serves as a criterion for giving a benefit, is made by another client who has seen the bulletin board, the article can be evaluated without a large expenditure of labor and cost. Moreover, the evaluation is less likely to reflect a subjective aspect of the administrator of the bulletin board, and the clients have an increased motivation for making contributions to the bulletin board.

If a page with the bulletin board displayed therein is combined with a page for purchasing merchandise, then more opportunities are available for the user to purchase merchandise with a reduced expenditure of cost and labor.

Spiegel et al. is assigned to the well-known online merchandiser Amazon.com. According to Spiegel et al., one problem commonly encountered by online merchants is the inability to effectively present their goods and services to consumers via their browse trees. Due to the large number of items and item categories, many "popular" categories and items (those that have experienced significant user activity) remain hidden from the user. Spiegel et al. disclose a computer-implemented system and method for identifying popular nodes within a browse tree or other hierarchical browse structure based on historical actions of online users, and for calling such nodes to the attention of users during navigation of the browse tree. The system and method are particularly useful for assisting

users in locating popular products and/or product categories within a catalog of an online merchant. Node popularity levels are determined periodically based on recent user activity data that represents users' affinities for such nodes. Such activity data may include, for example, the number of times each item was purchased, and/or the number of times each category was selected for display, within a selected period of time. Popular nodes are called to the attention of users by automatically "elevating" the nodes for display within the browse tree. For example, when a user selects a particular non-leaf category (a category that contains subcategories) for viewing, the most popular items corresponding to the selected category may be displayed (together with the immediate subcategories), allowing the user to view or directly access these items without having to navigate to lower levels of the browse tree (and particularly those associated with leaf categories). Subcategories may be elevated for display in a similar manner. The node elevation process may also be used to elevate items and/or categories that are predicted to be of interest to a user, regardless of popularity.

In a preferred embodiment described by Spiegel et al., the various popularity criteria are incorporated into a scoring algorithm which is used to generate a popularity score for each node that is a candidate for elevation. These scores are then used to elevate the nodes within the tree. The nodes are preferably selected for elevation recursively, on a node-by-node basis, by selecting the most popular nodes (e.g., the 3 nodes with highest scores) from the level below. The most popular nodes are therefore propagated to the highest levels of the tree.

Spiegel et al. do not contemplate, much less disclose, a bulletin board system, as specifically recited in the claims. Spiegel et al. have a completely different system and purpose in mind, i.e., online merchandising. The system and method for use by an online bookseller are used to "feature" the most popular book titles and leaf categories on Web pages corresponding to higher-level categories. The most popular books and categories are determined periodically based on purchase counts, category click-through rates, and/or other types of user activity data. The nodes to be featured are selected recursively, on a node-by-node basis, by selecting the most popular nodes from the immediate children of the current node. Books and low-level categories that are currently very popular thus tend to be featured at many different levels of the tree, increasing the probability

of exposure in proportion to level of popularity.

The Snap.com publication describes a promotional essay contest in which users of the Internet portal service Snap.com from NBC and CNET are invited to submit personal stories on how the Internet has enriched their everyday lives. The 100-words-or-less essays were to be reviewed by a panel of judges with the grand prize winner receiving \$10,000 cash and the chance to have his or her vignette featured in a nationally televised Snap.com promotional spot. The top 50 essays were to be posted online throughout the promotion, and Snap.com visitors could participate in the selection of the five best stores. Once posted, entrants were encouraged to notify their friends and family members to cast votes for their stories. These “Voter’s Choice” winners would be awarded mountain resort vacations.

Thus, what the Snap.com publication describes is a one-off promotion to advertise Snap.com, the Internet portal service company NBC and CNET. Clearly, Snap.com was not and is not in the business of providing a bulletin board system for attracting customers to contribute articles to an article database, as specifically recited in the claims.

Barney et al. disclose a statistical patent rating method and system for independently assessing the relative breadth (B), defensibility (D) and commercial relevance (R) of individual patent assets and other intangible intellectual property assets. Relative ratings or rankings are generated using a database of patent information by identifying and comparing various characteristics of each individual patent to a statistically determined distribution of the same characteristics within a given patent population. For example, a first population of patents having a known relatively high intrinsic value or quality (e.g., successfully litigated patents) is compared to a second population of patents having a known relatively low intrinsic value or quality (e.g., unsuccessfully litigated patents). Based on a statistical comparison of the two populations, certain characteristics are identified as being more prevalent or more pronounced in one population group or the other to a statistically significant degree. Multiple such statistical comparisons are used to construct and optimize a computer model or computer algorithm that can then be used to predict and/or provide statistically-accurate probabilities of a desired value or quality being present or a future event occurring,

given the identified characteristics of an individual patent or group of patents.

Barney et al. do not contemplate, much less disclose, a bulletin board system, as specifically recited in the claims. Barney et al. have a completely different system and purpose in mind, i.e., a statistical patent rating system, than the claimed invention, i.e., an on-line bulletin board system which includes incentives to obtain participation. Barney et al. do not disclose or require a network, such as the Internet, for the practice of their statistical patent rating system, whereas that is precisely the environment required for the practice of the claimed invention.

In making the rejections, the Examiner purports to paraphrase the claims, saying that one or the other of the cited references discloses the recited features. Applicant specifically disputes this. As seen from the foregoing analysis of the references relied on, it is clear that the references, taken singly or in combination, do not in fact disclose the specifically recited features of the claims. Rather, the Examiner has distorted the plain meaning and teaching of the several references in an effort to reconstruct the claimed invention and, where he cannot allege that the references show various claimed features, the Examiner resorts to an improper use of Official Notice. Spiegel et al. is directed to online merchandising, the Snap.com publication is directed to an Internet portal service promotional scheme, and Barney et al. is directed to a statistical patent rating system. None of these references have anything to do with the claimed bulletin board system for attracting customers to contribute and evaluate articles in an article database, and their combination does not cure that fact.

The claimed invention is clear and definite in its meaning and scope. None of the references have any bearing on what is being claimed, and the only rationale for the combination of references and “facts” relied on by the Examiner is improper hindsight.

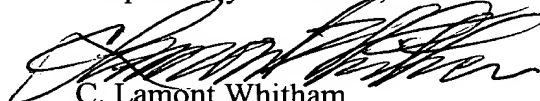
In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 46 to 55 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a

telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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